

REMARKS/ARGUMENTS

This response is submitted in reply to the Office Action dated November 13, 2009. Claims 26-31, 33-38, 40, 42, 54-57, 59, 60, 63, and 64 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is supported by the specification, definite, directed to statutory subject matter, and patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention. No new matter has been added by the amendment.

In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 63 and 64 are Supported by the Specification.

Claims 63 and 64 currently stand rejected under 35 U.S.C. § 112, first paragraph for allegedly not being supported by the specification. The Office Action requests that Applicants indicate where support for computer related claims 63 and 64 is located in the specification. Applicants have amended the claims to recite a memory having software stored thereon as described at least at paragraph [0039] of the published application and as depicted in FIG. 5 with respect to memory 505. At least via these portions of the specification, claims 63 and 64 are properly supported. The rejection of claims 63 and 64 is therefore overcome.

B. Claims 63 and 64 are Definite.

Claims 63 and 64 currently stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. In particular, the Office Action indicates that claims 63 and 64 are indefinite due to the inclusion of "computer readable storage medium." Applicants have amended claims 63 and 64 to recite a memory, which is described in the specification, as indicated above. Accordingly, the rejection of claim 63 and 64 in this regard is overcome.

C. Claims 63 and 64 are Directed to Statutory Subject Matter.

Claims 63 and 64 currently stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action indicates that claims 63 and 64 are directed to a computer-readable medium which is allegedly undefined in the specification. As mentioned above, Applicants have amended claims 63 and 64 to be directed to

memory as described in at least paragraph [0039] of the published specification and in FIG. 5, which indicate that a memory is a machine or article of manufacture. Accordingly, the rejection of claims 63 and 64 in this regard are overcome.

D. Claims 26-29, 30, 31, 33-38, 40, 42, 54-57, 60, 63, and 64 are Novel.

Claims 26-29, 30, 31, 33-38, 40, 42, 54-57, 60, 63, and 64 currently stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0239485 to Kundu. However, Kundu fails to anticipate the claimed invention because Kundu does not teach each and every feature of the claimed invention. In particular, independent claim 26, and similarly independent claims 33, 42, 57, 60, 63, and 64, recite that a “triggering message indicates a starting time for the packet-based service session.” Kundu fails to teach or suggest this feature.

Kundu describes two schemes (i.e., a CDMA scheme and a GSM scheme) for generating messages that allegedly correlate to the triggering message recited in the claimed invention. Kundu describes an “Alert With Info” message in paragraph [0131] that includes a group ID as part of the CDMA scheme. Similarly, Kundu describes a “Setup” message in paragraph [0158] that includes a group ID as part of the GSM scheme. However, neither of these messages are described as indicating a starting time as indicated in the claimed invention.

Further, the Office Action cites to paragraphs [0033] and [0059] for allegedly disclosing a starting time being indicated in a trigger message. However, neither of these citations describes anything about the content or characteristics of a message that can be correlated to indicating a starting time. As such, Kundu fails to teach or suggest this feature, and therefore Kundu does not anticipate the claims.

Further, independent claim 26, and similarly independent claims 33, 42, 57, 60, 63, and 64, recite “receiving the triggering message so that the triggering message is receivable from the mobile communication system when the mobile terminal is in an idle state and regardless of whether the mobile terminal is ready to participate in the packet-based service session....” This feature is also not taught or suggested by Kundu.

First, with respect to the recitation, “regardless of whether the mobile terminal is ready to participate,” Kundu describes, with respect to both the CDMA scheme and the GPSM scheme, that the terminal is systematically prepared to participate. In this regard, with respect to the “Alert With Info” message in the CDMA scheme, prior to receiving the message, the terminal is

setup with a traffic channel, as described at paragraphs [0129]-[0130]. Similarly, under the GSM scheme, prior to reception of the "Setup" message, the terminal is set-up with a dedicated signaling channel as described in paragraphs [0155]-[0156]. Thus, in both cases, the terminal is not in receipt of the message "regardless of whether the mobile terminal is ready to participate," rather Kundu discloses that the terminal is always prepared to participate.

Further, the independent claims recite that the mobile terminal is in the "idle state." Support for this claim amendment can be located at least in FIG. 4 at element 400 and in paragraphs [0005] and [0034] of the published application. Again, Kundu fails to teach or suggest this claim feature. Since, based on the foregoing, in both schemes the terminal of Kundu is participating in an ongoing, previously established channel connection, the terminal of Kundu is clearly not in an idle state as recited in the claims.

As such, independent claims 26, 33, 42, 57, 60, 63, and 64, and their respective dependent claims, are patentable over Kundu for at least the reasons cited above. The rejection of claims 26-29, 30, 31, 33-38, 40, 42, 54-57, 60, 63, and 64 is therefore overcome.

E. Claims 54, 55, 59 and 62 are Nonobvious.

Claims 54, 55, 59, and 62 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kundu in various combinations with U.S. Patent Publication No. 2004/0203770 to Chen or U.S. Patent No. 7,277,697 to Desai. However, the cited combination relies upon Kundu for disclosing the same features as described above with respect to the anticipation rejection. Since Kundu fails in this regard, and Chen and Desai do not cure the deficiencies of Kundu (nor is Chen and Desai cited for this purpose), dependent claims 54, 55, 59, and 62 are patentable over the cited combination due at least to the failures of Kundu. The rejections of claims 54, 55, 59, and 62 are therefore overcome.

CONCLUSION

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

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Amdt. dated 03/15/2010
Reply to Office Action of 11/13/2009

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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